



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,917	12/03/2001	Kenta Hori	IIZU:011	7230

7590 01/19/2005

ROSSI & ASSOCIATES  
P.O. BOX 826  
ASHBURN, VA 20146-0826

EXAMINER
----------

CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/008,917

Applicant(s)

HORI, KENTA

Examiner

Salvatore Cangialosi

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

Art Unit: 3621

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-18 are rejected under 35 U.S.C. § 103 as being unpatentable over Clark(6343280) in view of Subler et al(5646992) or Shin et al(5987134).

Regarding claim 1, Clark(See Figs. 1-3, 16, 18 Col. 3, lines 5-20) disclose method for employing a license server employing a user key(element 5) which is detected and tested substantially as claimed. The differences between the above and the claimed invention is the use of key based on user uniqueness. Subler et al(Col. 2, lines 55-65) or Shin et al (See Figs. 1-2, Col. 2, lines 35-55) show a key generator based on unique user characteristic data. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Clark because Key generators are conventional

Art Unit: 3621

functional equivalents of the claim limitations. Regarding the comparison limitations of claim 2, Subler et al (Col. 2, lines 55-65) or Shin et al (See Figs. 1-2, Col. 2, lines 35-55) show a key generator based on unique user characteristic data with verification or proving which includes a comparison step are conventional functional equivalents of the claim limitations. Regarding algorithm limitations of claim 3, Subler et al (Col. 2, lines 55-65) or Shin et al (See Figs. 1-2, Col. 2, lines 35-55) show a key generator based on unique user characteristic data which employ reversible algorithms are conventional functional equivalent of the claim limitations. Regarding feature limitations of claim 4, Subler et al (Col. 2, lines 55-65) or Shin et al (See Figs. 1-2, Col. 2, lines 35-55) show a key generator based on unique user characteristic data of a computer device is conventional functional equivalent of the claim limitations. Regarding the calculation limitations of claim 5, Subler et al (Col. 2, lines 55-65) or Shin et al (See Figs. 1-2, Col. 2, lines 35-55) show a key generator based on unique user characteristic data with verification or proving which includes a calculation step are conventional functional equivalents of the claim limitations. Regarding authorization limitations of claim 6, Clark (See Figs. 1-3, 16, 18 Col. 3, lines 5-20, Claims 5, 12-14) disclose method for employing a license server employing a user key (element 5) which is detected and tested at different times is conventional functional equivalent of the claim

Art Unit: 3621

limitations. Regarding authorization limitations of claim 7, Clark(See Figs. 1-3, 16, 18 Col. 3, lines 5-20, Claims 5,12-14) disclose method for employing a license server employing a user key(element 5) which is detected and tested at different times is conventional functional equivalent of the claim limitations. Regarding the storing limitations of claim 8, Subler et al(Col. 2, lines 55-65, claim 9) or Shin et al (See Figs. 1-2, Col. 2, lines 35-55) show a key generator and storage based on unique user characteristic data are conventional functional equivalents of the claim limitations. Regarding program limitations of claim 9, any of the items of prior art show program implementation of authorization(See cols. 7-12 of Clark) which is the conventional functional equivalent of the claim limitations. Regarding program limitations of claim 10, any of the items of prior art show program implementation of authorization(See cols. 7-12 of Clark) which is conventional functional equivalent of the claim limitations. Regarding program limitations of claim 11, any of the items of prior art show program implementation of authorization(See cols. 7-12 of Clark) which is the conventional functional equivalent of the claim limitations. Regarding claim 12, Clark(See Figs. 1-3, 16, 18 Col. 3, lines 5-20) disclose program means(See Cols. 7-12) for employing a license server employing a user key(element 5) which is detected and tested substantially as claimed. The differences between the above and the claimed invention is the use of key based on user uniqueness.

Art Unit: 3621

Subler et al (Col. 2, lines 55-65) or Shin et al (See Figs. 1-2, Col. 2, lines 35-55) show a key generator based on unique user characteristic data. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Clark because Key generators are conventional functional equivalents of the claim limitations. Regarding the storing limitations of claim 13, Subler et al (Col. 2, lines 55-65, claim 9) or Shin et al (See Figs. 1-2, Col. 2, lines 35-55) show a key generator and storage based on unique user characteristic data are conventional functional equivalents of the claim limitations. Regarding system limitations of claim 14, Subler et al (Col. 2, lines 55-65) or Shin et al (See Figs. 1-2, Col. 2, lines 35-55) show a key generator based on unique user characteristic data with verification or proving which includes a comparison step which is a conventional functional equivalent of the claim limitations. Regarding permitted uses limitations of claim 15, Clark (See Figs. 1-3, 16, 18 Col. 3, lines 5-20, Claims 5, 12-14) disclose method for employing a license server employing a user key (element 5) which is detected and tested at different times is conventional functional equivalent of the claim limitations. Regarding program limitations of claim 16, any of the items of prior art show program implementation of authorization (See cols. 7-12 of Clark) which normally include program registration which is the conventional functional equivalent of the claim limitations. Regarding program

Art Unit: 3621

limitations of claim 17, any of the items of prior art show program implementation of authorization(See cols. 7-12 of Clark) and a storage medium (See cd-rom, element 14 of Subler et al) which is the conventional functional equivalent of the claim limitations. Regarding claim 12, Clark(See Figs. 1-3, 16, 18 Col. 3, lines 5-20) disclose means (See Cols. 7-12) for employing a license server employing a user key(element 5) which is detected and tested substantially as claimed. The differences between the above and the claimed invention is the use of key based on user uniqueness. Subler et al(Col. 2, lines 55-65) or Shin et al (See Figs. 1-2, Col. 2, lines 35-55) show a key generator based on unique user characteristic data. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Clark because Key generators are conventional functional equivalents of the claim limitations.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

**Any response to this action should be mailed to:**

Commissioner of Patent and Trademarks  
Washington, D.C. 20231

Serial Number: 10/008,917

7

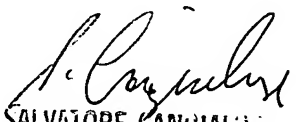
Art Unit: 3621

**or faxed to (703)872-9306**

Hand delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor(Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is (703) **308-4177**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SALVATORE CANGIALOSI  
PRIMARY EXAMINER  
ART UNIT 222